

HOUSE BILL 763

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Al Park

AN ACT

RELATING TO GAMING; ENACTING A SECTION OF THE GAMING CONTROL ACT TO PROVIDE PROCEDURES FOR THE ATTACHMENT AND ENFORCEMENT OF LIENS ON CERTAIN GAMING MACHINE PAYOUTS WON BY A PERSON OWING A DEBT TO OR COLLECTED BY THE HUMAN SERVICES DEPARTMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Gaming Control Act is enacted to read:

"[NEW MATERIAL] LIEN ON WINNINGS FOR DEBT OWED TO OR COLLECTED BY HUMAN SERVICES DEPARTMENT--PROCEDURE.--

A. By operation of law, a lien attaches to a payout of one thousand two hundred dollars (\$1,200) or more from a gaming machine of a racetrack gaming operator licensee when won by a person owing a debt to or collected by the human services department acting as the state's child support enforcement

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1 agency pursuant to Title IV-D of the federal Social Security  
2 Act.

3 B. The human services department shall periodically  
4 provide the board with a verified list of names, social  
5 security numbers and the last known addresses of obligors owing  
6 a debt to or collected by the department.

7 C. In order to enforce the lien, the board shall by  
8 rule adopt procedures applicable to racetrack gaming operator  
9 licensees when a payout occurs. The board shall provide a  
10 racetrack gaming operator licensee with an electronic system to  
11 search by the names and social security numbers of persons  
12 currently owing a debt subject to or collected by the human  
13 services department. Prior to the payment of a payout, the  
14 licensee shall make a good-faith effort to check the name of  
15 the winner against the list of names and social security  
16 numbers provided by the human services department to the board.

17 D. If the winner is a person owing a debt to or  
18 collected by the human services department, the racetrack  
19 gaming operator licensee shall retain the payout and promptly  
20 notify the department and the board on a form approved by the  
21 department. The human services department shall establish by  
22 rule an administrative process for support obligors to contest  
23 the obligation prior to release of the funds by the licensee to  
24 the department. The human services department shall, within  
25 seven days of receipt of notice of the payout, provide the

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1 racetrack gaming operator licensee with written notice of its  
2 intent to enforce the administrative lien and of the amount  
3 claimed. After receiving the notice of intent, the racetrack  
4 gaming operator licensee shall retain the amount claimed in a  
5 suspense account and remit the balance to the payout winner.  
6 Upon final disposition of the administrative procedure, the  
7 human services department shall immediately notify the  
8 racetrack gaming operator licensee in writing of the amount to  
9 be tendered to the department and release the lien for any  
10 funds to be distributed to the payout winner.

11 E. The board shall by rule adopt lien attachment  
12 and enforcement procedures applicable to other gaming operator  
13 licensees when a gaming machine payout equals one thousand two  
14 hundred dollars (\$1,200) or more.

15 F. Neither the board nor any gaming operator shall  
16 be liable to the human services department or to the person on  
17 whose behalf the department is collecting the debt if the  
18 licensee fails, in good faith, to match a winner's name to a  
19 name on the list provided pursuant to Subsection B of this  
20 section."

21 Section 2. REPEAL.--Section 60-2E-61 NMSA 1978 (being  
22 Laws 1997, Chapter 190, Section 63, as amended) is repealed.

23 Section 3. EFFECTIVE DATE.--The effective date of the  
24 provisions of this act is July 1, 2009.